

Notice of Allowability

Application No.

10/700,839

Examiner

Ruth C. Rodriguez

Applicant(s)

VAUGHN ET AL

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed on 06 September 2005.
2. ☒ The allowed claim(s) is/are 4-9 and 12-20 that will be renumbered 1-15 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

For claim 4, Cain discloses a method for controlling clamping an end of one hollow member to an end of a second hollow member where the members have substantially identical interior surfaces at each end and each interior surface includes a clamping surface extending from the interior surface. The method comprises: (a) placing, at abutted ends of the members, a split ring having a closed state where the ends of the ring are adjacent and the outside diameter of the split ring is less than a minimum inside diameter of the members at their ends. The split ring has a V-shaped rim with two spaced projecting surfaces; (b) separating the ends of the split ring until the rim engages the inside of the hollow members with one spaced projecting surface in contact with the clamping surfaces of one member and the other spaced projecting surface in contact with clamping surfaces of the other member. The spreader of Cain works using a plurality of gear actuated by a lever. Cain fails to disclose that the spreader is controllably destroyed to allow the ring to return to its closed state to release the clamped members. Accordingly, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to replace a system operable with gears with a destroyable spreader that is controllably destroyed.

Regarding claim 12, Cain also discloses an internal V-clamp holds two abutting hollow members with substantially identical inside dimensions in an end-to-end relationship. Each member has a clamping surface extending from an interior surface adjacent the abutted end. The clamp comprises a split ring and a spreader. The split

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ring has a relaxed closed state where the ends of the are adjacent and the outside diameter of the split ring is less than the minimum inside diameter of the members at their ends. The split ring has a V-shaped rim with two spaced projecting surfaces. The spreader holds the split ring in an elastically stretched position such that the ring rim is pressed tightly against the interior surfaces of the members with one projecting surface being in contact with the clamping surface of one member and the other projecting surface being in contact with the clamping surface of the other member. Each end of the split ring has a hole. The holes in each end are parallel. The spreader comprises a spreader body and a pair of parallel legs. The parallel legs are sized to fit in the split ring holes and extending from the spreader body. The legs are spaced apart a distance equal to the distance between the split ring holes when the ring is in a stretched position. Cain fails to disclose that each leg further comprises a set screw in a transverse hole through the leg that increases the force of the ring against the clamped surface. Accordingly, it would not have been obvious to one having ordinary skill in the art at the time of Applicant's invention to further provide a set screw in each one of the legs of the spreader that can increase the force of the ring against the clamped surface.

For claim 13 having similar limitations to claim 13, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to provide a controllable leg-cutter for cutting each leg of the spreader instead of providing a gear system to move the ends of the split ring.

The same reasons for allowance of claim 4, apply to claim 20 since Cain fails to disclose the use of an explosively removable spreader, an explosively severed

spreader, an explosively destroyed spreader, a mechanically severed spreader or a mechanically destroyed spreader to move the ends of the split ring instead of using a gear system.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Guttzeit (US 831,551), Taylor (US 2,650,115), Cain (US 2,790,409), Hirsch (US 3,127,383), Cirule et al. (US 3,960,395), Hardy, Jr. (US 3,974,835), Lamprecht et al. (US 4,013,373), Burkit (US 4,927,189, US 5,092,633 and US 5,201,550), Gundy (US 5,029,907) and Tolkoff et al. (US 6,634,825 B2) are cited to show state of the art with respect to V-clamps that have some of the features claimed by the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

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Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

RCR
rcr

September 29, 2005

WILLIAM L. MILLER
PRIMARY EXAMINER



Replacement Sheet

Fig. 1A

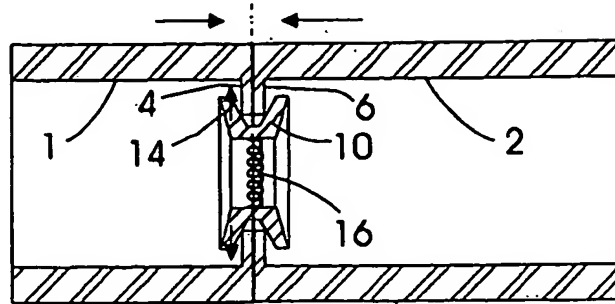


Fig. 1B

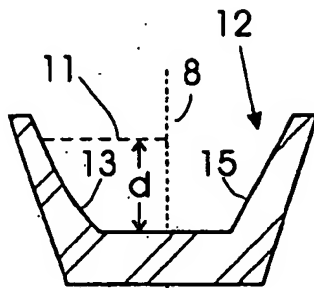
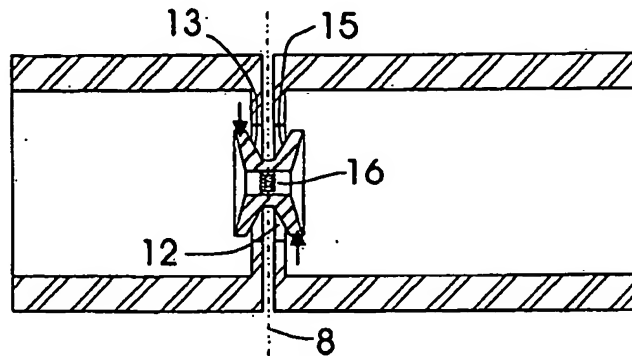


Fig. 1C

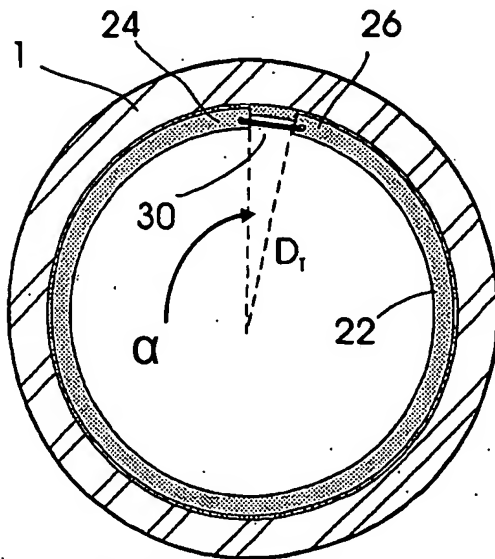


Fig. 2A

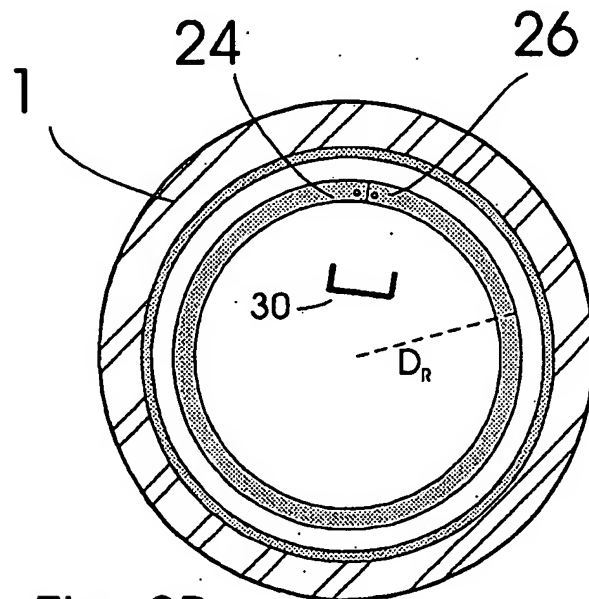
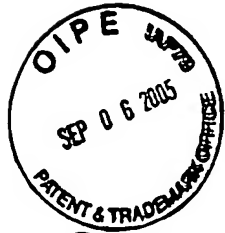


Fig. 2B



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SD7265 Inventor: Vaughn
Sando - 505 845-9426
Sheet 3 of 3

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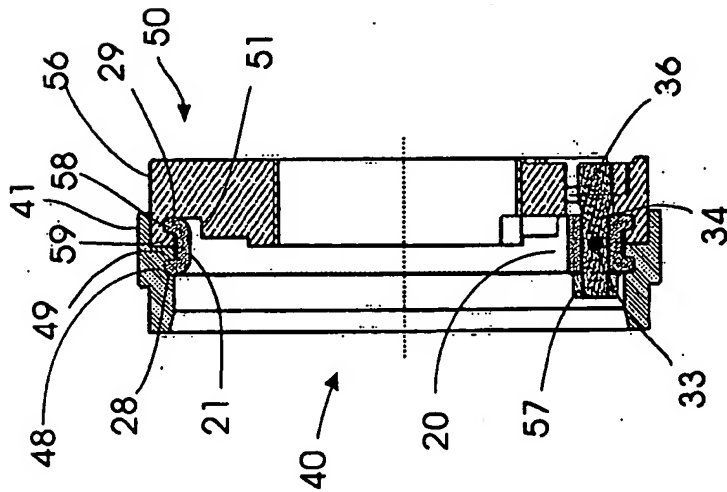


Fig. 4A

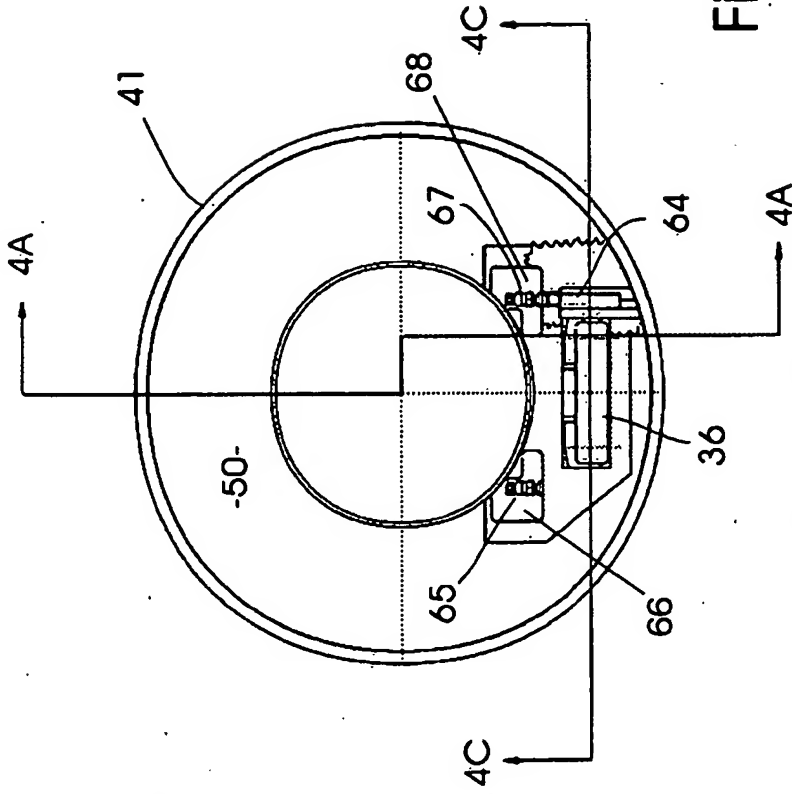


Fig. 4B

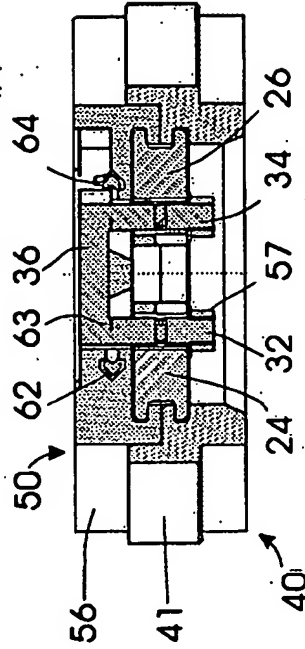


Fig. 4C

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SD7265 Inventor: Vaughn
Sandoz - 505 845-9426
Sheet 3 of 3

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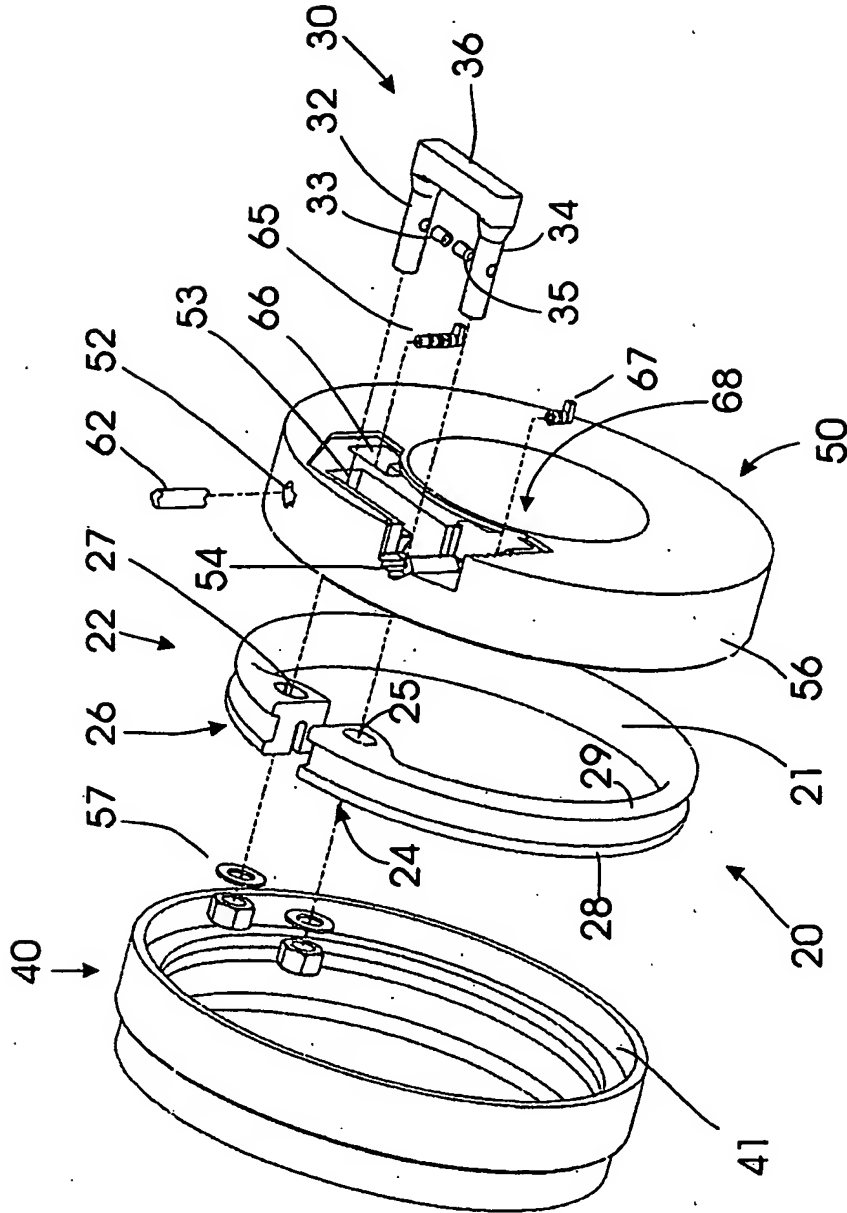


Fig. 3